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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/647,767	08/25/2003	Donato S. Diorio	001-200	2739
29569	7590	09/07/2007		
FURR LAW FIRM 2622 DEBOLT ROAD UTICA, OH 43080			EXAMINER LEE, JINHEE J	
			ART UNIT 2174	PAPER NUMBER
			MAIL DATE 09/07/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/647,767

Applicant(s)

DIORIO ET AL.

Examiner

Jinhee J. Lee

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 6/18/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 24 is objected to because of the following informalities:

Claim 24 is missing a period at the end of the claim.

Replace ":" with "." To clarify.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 21-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basic of this rejection is set forth in a two-prong test of :

- (1) whether the invention is within the technology arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

Claims 21-33 are directed to a computer implemented method of calculation where the inputs are numbers and the results are also numbers, and/or are directed to a computer program stored in a computer readable storage medium for implementing the method. In order for a claimed invention that is directed to such a computer implemented method of calculation, or a computer program stored in a computer readable storage for implementing a computation to be statutory, the claimed invention must accomplish a practical application. That is the claimed invention must transform an article or physical object to a different state or thing, or produce a useful, concrete and tangible result. State Street, 149 F.3d at 1373-74, 47 USPQ2d at 1601-02. Also see

"Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility", OG Notices: 22 November 2005. It is clear from claims 21-33 that the claims merely involve calculations and manipulations of data in performing computations. The claimed invention does not result in a physical transformation. The inputs are numbers and the outputs are also numbers. The result of the invention is merely numerical values without a practical application recited in the claims. It is not real world result, and thus is not useful, concrete and tangible. Therefore, the claimed invention is directed to non-statutory subject matter as the claims fail to assert a practical application to the invention.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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6. Claims 21-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cotugno et al. (6198480) in view of Touma et al. (6160549).

Re claim 21, Cotugno et al. substantially discloses a system consisting of: a browser that uses a hierarchical structure (see column 4 lines 32-38, 47-60, column 10 lines 1-25 for example). Cotugno et al. does not explicitly disclose the ability to change to a horizontally collapsed state. Cotugno et al. discloses vertical collapsed state. However, Touma et al. teaches of the ability to change to a horizontally collapsed state (see column 10 lines 35-37. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the horizontally collapsed state as taught by Touma et al. on the system of Cotugno et al. in order to better utilize the horizontal and vertical layout space.

Re claim 22, note that Cotugno et al. discloses a system in which said browser uses a graphical user interface to display, organize and manage hierarchically linked WebPages (see column 4 lines 46-60 for example).

Re claim 23, note that Cotugno et al. discloses a system: in which said browser has child pages that have an optional icon (see column 15 lines 1-30, column 46 lines 46-50 for example).

Re claim 24, note that Cotugno et al. discloses a system: in which said browser has a collapse state (see column 46 lines 46-50 for example).

Re claim 25, note that Cotugno et al. discloses a system: in which said collapse state is done through a collective means (see column 46 lines 39-50 for example).

Re claim 26, note that Cotugno et al. discloses a system: in which said collapse state is done through by pressing an icon on said browser screen (see column 46 lines 46-50 for example).

Re claims 27 and 31, note that Cotugno et al. discloses a system in which said collapse state will collapse all of the children of a parent (see column 46 lines 46-50 for example).

Re claims 28 and 32, note that Cotugno et al. discloses a system: in which said browser displays WebPages in a child-parent relationship (see column 15 lines 1-30, column 46 lines 46-50 for example).

Re claims 29 and 33, note that Cotugno et al. discloses a system: In which said browser will collapse on a double click of a mouse (see column 46 lines 45-49 for example).

Re claim 30, Cotugno et al. discloses a system consisting of: a browser that uses a hierarchical structure (see column 4 lines 32-38, 47-60, column 10 lines 1-25 for example), in which said browser uses a graphical user interface to display, organize and manage hierarchically linked WebPages (see column 4 lines 46-60 for example), where said browser has child pages that have an optional icon (see column 15 lines 1-30, column 46 lines 46-50 for example) and has a collapse state (see column 46 lines 46-50 for example) in which said collapse state is done through a collective means (see column 46 lines 39-50 for example) by pressing an icon on said browser screen (see column 46 lines 46-50 for example). Cotugno et al. does not explicitly disclose the ability to change to a horizontally collapsed state. Cotugno et al. discloses vertical

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collapsed state. However, Touma et al. teaches of the ability to change to a horizontally collapsed state (see column 10 lines 35-37. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the horizontally collapsed state as taught by Touma et al. on the system of Cotugno et al. in order to better utilize the horizontal and vertical layout space.

Response to Arguments

7. Applicant's arguments with respect to new claims 21-33 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jinhee J. Lee whose telephone number is 571-272-1977. The examiner can normally be reached on M-F at 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-2100 ext. 74. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jinhee J Lee
Primary Examiner
Art Unit 2174



jji